

REMARKS

Claim 7 has been canceled, without prejudice. Claims 8 and 15 have been rewritten in independent form, and claim 15 has been further amended. The application as amended contains claims 1-6 and 8-15 – four independent claims and a total of fourteen claims. Please charge any deficiency in the fees to Deposit Account No. 04-1073. Applicant reserves the right to pursue the original claims and other claims in this and other applications.

Claims 1 and 9 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The Office Action contends that claims 1 and 9 are directed to a “data structure per se.” Reconsideration is respectfully requested.

Claim 1 is directed to a system which has physical elements, including the recited first and second storing units. Claim 1 is directed to the system, not to a program. The claim is not directed to a “data structure per se.”

Claim 9 is directed to a method that has positive steps. Claim 9 is not directed to a program; it is not directed to a “data structure per se,” and the Office Action provides no explanation to the contrary. See M.P.E.P. § 2106.01(I).

Claims 1-6 and 8-15 are rejected under 35 U.S.C. § 102 as being anticipated by Hekmatpour. Reconsideration is respectfully requested. Hekmatpour’s filing date is May 24, 2005. Claims 1-6 and 8-15 should be entitled to the September 30, 2004 filing date of the Japanese priority application. An accurate English-language translation of the priority document is being submitted concurrently herewith. September 30, 2004 is prior to May 24, 2005. Therefore, the rejection based on Hekmatpour should be withdrawn.

Claims 1-6 and 8-15 are rejected under 35 U.S.C. § 102 as being anticipated by Mitra. Reconsideration is respectfully requested. Mitra has an effective U.S. filing date of either

November 17, 2005 or November 17, 2004, depending on what was disclosed in the corresponding provisional application. As noted above, claims 1-6 and 8-15 should be entitled to the September 30, 2004 filing date of the Japanese priority application. September 30, 2004 is prior to November 17, 2004. Therefore, the rejection based on Mitra should be withdrawn.

Allowance of the application with claims 1-6 and 8-15, as amended, is solicited.

Dated: October 17, 2008

Respectfully submitted,

By 

Mark J. Thronson

Registration No.: 33,082

DICKSTEIN SHAPIRO LLP

1825 Eye Street, NW

Washington, DC 20006-5403

202-420-4742

Attorneys for Applicant